



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,477	08/28/2003	Arnold M. Escano	BSI-591US	6126
60/117	7/5/00	03/17/2009		
RATNER PRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER	
			BUL VY Q	
			ART UNIT	PAPER NUMBER
			3773	
			MAIL DATE	DELIVERY MODE
			03/17/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/650,477

Applicant(s)

ESCANO ET AL.

Examiner

Vy Q. Bui

Art Unit

3773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/31/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of invention as shown in Fig. 17 (claims 1-2, 8-26) in the reply filed on 12/31/2008 is acknowledged.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 8-9, 17, 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Chobotov et al-6,761,733.

As to claims 1-3, 22-23 and 26, Chobotov-'733 (Figs. 19-26) discloses a catheter system including a combination of elements 411 (stent), 412, 413, 418, 415, 408 (self-expanding stent) and 416 as a 1st stent-graft component, combination of elements 414 and 407 (self-expanding stent) as a 2nd graft component (Fig. 19-22), which can be considered as being delivered separately from 1st graft component within vasculature because the 2nd graft component is delivered/introduced into the vasculature after the 1st graft component (see Fig. 26 below), sheath 426 having superior portion as a capsule assembly to receive a superior portion of 1st graft component, belt 458 and 462 as a restraining structure, release wire 442 as a releasing mechanism for self expanding stents 411, 422 substantially as recited in the claims.

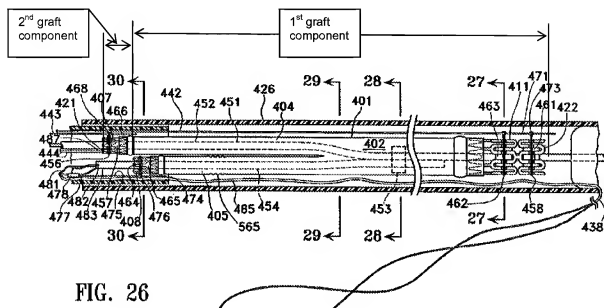


FIG. 26

As to claims 8 and 17, 1st graft component includes self expanding stents or structures 411, 422, 408 (Fig. 19).

As to claim 9, 1st graft component includes self expanding stent within an interior of 1st graft component (Fig. 23 or 26, superior portion of 1st graft component).

As to claim 21, Chobotov-'733 (Fig. 1, 17) discloses release wire tab assemblies 331 and 335 releasably threaded to handle 326 of delivery catheter 324.

As to claim 24, Chobotov-'733 (Fig. 23, 26) discloses support tube 430 slidable inside sheath 431/ sheath 426/ superior capsule. An inferior portion of support tube 430 can be

Art Unit: 3773

considered as a superior capsule grip because it can be used to indirectly hold or grip the superior capsule.

As to claims 25, inflation tube 418 defines an inner catheter to inflate cuff 414.

As to claim 26, an inferior portion of inflation tube defines an inner catheter grip.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chobotov et al-6,761,733.

As to claim 10, it would have been obvious to one of ordinary skill in the art to provide the Chobotov-'733 device the configurations as recited in the claims, as these configurations are only design choices well-known in the art.

As to claims 11-16, 18-19, it would have been obvious to one of ordinary skill in the art to provide the Chobotov-'733 device the configurations as recited in the claims, as these configurations are only design choices well-known in the art.

As to claim 20, it would have been obvious to one of ordinary skill in the art to provide the Chobotov-'733 device a 3rd graft-component as recited in the claims, as this configuration is well-known in the art.

Response to Arguments

Applicant's arguments filed 8/21/2008 have been fully considered but they are not persuasive.

The Applicants argue that "Applicants respectfully submit that the indicated second graft component (414 and 407) is not "configured to be delivered within vasculature separately from the first graft component" as recited in independent claim 1" (Remarks, page 2 of 3, paper 8/21/08).

However, the limitation "a 2nd graft component configured to be delivered within vasculature separately from the 1st graft component " does not exclude the case when 1st and 2nd graft components are integrally formed, the limitation only requires the action "delivering" to be separate and that 1st and 2nd graft components are "delivered" within vasculature separately. Notice that because 2nd graft component is distinct from 1st graft component and disposed completely proximally to 1st graft component, one must deliver or introduce 1st graft component before deliver or introduce 2nd graft component within a vasculature (Fig. 26, reproduced above).

Further, one can deliver or introduce 1st graft component partially within a vasculature then stop and all of 2nd graft component is still outside the vasculature. In other words, one can selectively and separately deliver or introduce 1st or 2nd graft component from each other within a vasculature as recited in claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3773

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vy Q. Bui/

Primary Examiner, Art Unit 3773